

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

CHARLES WIRTH,

Case No. 2:17-cv-00027-RFB-VCF

**Petitioner,**

## ORDER

v.

ROBERT LEGRAND, et al.,

## Respondents.

14 Charles Wirth's *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. §  
15 2254 is before the court on respondents' motion for leave to file a supplement to their  
16 motion to dismiss and/or to withdraw the motion. Respondents explain that, apparently  
17 due to a docketing error, they did not review all grounds that Wirth raises, and therefore,  
18 their motion to dismiss is or may be incomplete (ECF No. 27). In the interests of clarity  
19 and efficiency, respondents shall be permitted to withdraw the motion to dismiss without  
20 prejudice to filing a new motion to dismiss.

21       **IT IS THEREFORE ORDERED** that respondents' motion to withdraw motion to  
22 dismiss (ECF No. 27) is **GRANTED**. The motion to dismiss (ECF No. 17) is  
23 **WITHDRAWN**.

24       **IT IS FURTHER ORDERED** that respondents shall file a renewed motion to  
25 dismiss, or otherwise respond to the petition, within **thirty (30) days** of the date of this  
26 order.

27           **IT IS FURTHER ORDERED** that petitioner shall have **forty-five (45) days** from  
28 service of the answer, motion to dismiss, or other response to file a reply or opposition,

1 with any other requests for relief by respondents by motion otherwise being subject to  
2 the normal briefing schedule under the local rules.

3 **IT IS FURTHER ORDERED** that petitioner's motion for judicial notice (ECF No.  
4 14) is **DENIED** as moot.

5 **IT IS FURTHER ORDERED** that respondents' two motions for extension of time  
6 (ECF Nos. 16 and 28) are both **DENIED** as moot.

7

8 DATED: March 23, 2018.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



---

RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE